

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

KENNETH L. PROPER, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

Civil Action No.
3:14-CV-413 (MAD/DEP)

CRACKER BARREL OLD COUNTRY
STORE, INC.,

Defendant.

APPEARANCES:

WOLF, HALDENSTEIN LAW FIRM
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New York, New York 10016
Attorneys for Plaintiff

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OF COUNSEL:

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MAUREEN R. KNIGHT, ESQ.

MICHAEL J. MURPHY, ESQ.
WILLIAM C. FIRTH, ESQ.

Mae A. D'Agostino, U.S. District Judge

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED, as follows:

1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within ninety days of the date of the filing of this order upon a showing that the settlement was not consummated;

2) The dismissal of the above captioned case shall become **with prejudice** on the ninety-first day after the date of the filing of this order unless any party moves to re-open this case within ninety days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language **“that no party hereto is an infant or incompetent”** in compliance with N.D.N.Y.L.R. 41.3; and

3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

Dated: March 12, 2015
Albany, New York


Mae A. D'Agostino
U.S. District Judge